

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

CASE NO. CR18-217RSM

Plaintiff

V.

BRADLEY WOOLARD,

ORDER DENYING DEFENDANT
WOOLARD'S MOTION TO SUPPRESS
EVIDENCE FROM ICLOUD ACCOUNT

Defendant.

This matter comes before the Court on Defendant Woolard's Motion to Suppress Evidence from iCloud Account. Dkt. #398. The Government has filed an opposition brief. Dkt. #531. The Court has determined that an evidentiary hearing is unnecessary.

The Court will not recount the lengthy background of this case, as set forth by the Government, *see* Dkt. #531. The background of the investigation is well known to the parties. Defendant Woolard’s Motion sticks to a very limited set of facts—what was included in the January 8, 2019, warrant—and the Government’s Motion relies almost exclusively on case law and a single exhibit, an email from Apple cited below.

Mr. Woolard moves to suppress “all evidence obtained from the search of his Apple iCloud Account described as Target Account 1 in the search warrant issued by Magistrate Judge McCandlis...” Dkt. #398 at 1. This warrant authorized the seizure of all information from Apple

1 related to Mr. Woolard's account "including any messages, records, files, logs, or information."
 2 The warrant then authorized law enforcement to search for records pertaining to the alleged
 3 crimes that occurred between January 1, 2013, and the present. *See* Case No. 2:19-mj-00005-
 4 PLM, Dkt. #1.

5 Mr. Woolard argues that this warrant violates the Fourth Amendment because it was
 6 overbroad and lacked particularity. Specifically, he argues that Judge McCandlis issued an
 7 overbroad "seize first, search second" warrant for the entire account without any time or content
 8 limitations and without "sufficient procedures and safeguards for electronically stored
 9 information so that the executing officers can segregate 'responsive material from the rest of [the
 10 defendant's] account.'" *Id.* at 3 (citing *United States v. Flores*, 802 F.3d 1028, 1044 (9th Cir.
 11 2015)). Mr. Woolard argues that the warrant should have required a "filter team to separate
 12 information that was beyond the scope of the warrant." *Id.* at 4–5 (citing *In Re Application for a
 13 Search Warrant to Seize and Search Electronic Devices from Edward Cunnius*, 770 F. Supp. 2d
 14 1138 (WDWA 2011)).

16
 17 The Government argues that it followed a standard two-step process for warrants under
 18 Rule 41(e)(2)(B) and the Electronic Communications Privacy Act, and that it would not have
 19 been feasible for the warrant to impose temporal or content restrictions on the initial seizure:

20
 21 ...the defense's motion overlooks the fact that a temporal limitation
 22 would have had no practical effect because Woolard's Apple
 23 account was created after the period covered by the criminal
 24 investigation. Similarly, the defense's motion does not – and cannot
 – explain how Apple could have applied temporal or content
 restrictions to the 17.7 gigabytes of compressed data contained in
 the account that had to be accessed and reviewed using special
 forensic tools.

25 Dkt. #531 at 2. The Government cites an email from Apple indicating that certain files being
 26 turned over contained "aggregated data where Apple was unable to apply a date filter," and where
 27

1 Apple advised that “you may need to work with a cellular forensics expert to access and review
2 the provided data.” Dkt. #531-1 at 1. The Government goes on to cite to *United States v. Sam*,
3 2020 WL 2131285, CR19-0115-JCC (WDWA May 5, 2020) as a recent case that addressed this
4 issue.

5 “The Fourth Amendment was designed to prevent law enforcement officers from
6 engaging in ‘general exploratory searches.’” *United States v. Shi*, 525 F.3d 709, 731 (9th Cir.
7 2008). To achieve that goal, the Fourth Amendment imposes several requirements on a search
8 warrant. One of those requirements is that a warrant must not be overbroad. *Shi*, 525 F.3d at
9 731–32. In analyzing whether a warrant is overbroad, the Ninth Circuit considers three factors:
10 (1) whether probable cause exists for seizure of all items described in the warrant; (2) if there are
11 objective standards in the warrant that allow officers to distinguish between items subject to
12 seizure from items not subject to seizure; and (3) whether the items described in the warrant
13 could be described with more particularity considering the information available. *Shi*, 525 F.3d
14 at 731–32.

15 Mr. Woolard does not contest that the Government had probable cause for seizure. With
16 respect to the second *Shi* factor, the Court finds that this warrant had objective standards to guide
17 the search of Woolard’s iCloud account, which were set forth in Part II of Attachment B. The
18 Court finds that, like in *Sam, supra*, the warrant issued here was not required to include a temporal
19 restriction on the seizure of the account because the entire account needed to be searched to find
20 “records pertaining to the alleged crimes that occurred between January 1, 2013, and the present”
21 and to link the account to Mr. Woolard. The nature of the way the information was stored made
22 it impractical for Apple to apply temporal or content restrictions. The Court agrees with *Sam* as
23 to there not being a constitutional requirement for the Government to use a filter team in this
24
25
26
27

1 case. *See* 2020 WL 2131285 at *3. Given all of the above, the Court finds that Mr. Woolard has
2 not set forth a basis to suppress this evidence.
3

4 Having reviewed the briefing, along with the remainder of the record, the Court hereby
5 finds and ORDERS that Defendant Woolard's Motion to Suppress Evidence from iCloud
6 Account, Dkt. #398, is DENIED.
7

8 DATED this 23rd day of February, 2021.
9



10 RICARDO S. MARTINEZ
11 CHIEF UNITED STATES DISTRICT JUDGE
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27